

REMARKS

Claims 1, 3, 6-9 and 11-27 remain pending in the present application. Claims 2, 4 and 10 have been cancelled. Claims 1 and 11-14 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

OBJECTIONS

Claim 14 should (it appears) be amended to depend on elected Claim 10. Page 2, line 1 "busing" should be changed to --bushing--. In Claim 1, line 4 --floating-- should be inserted between "a" and "pressure". The specification and claims have been amended to overcome the objections. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-4, 10-11 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pradel, et al. (U.S. Pat. No. 5,441,132). Applicant respectfully traverses this rejection. The present invention as defined in Claim 1 defines the pressure tube slidably engaging the cylinder end assembly and also that the pressure tube is able to move freely relative to the cylinder end assembly. The cylinder end assembly controls fluid flow between the compression chamber and the fluid reserve.

Pradel, et al. does not disclose, teach or suggest this movement of the pressure tube with respect to the cylinder end assembly. Pradel, et al. discloses a bottom valve unit 13a and a centering plate 69a, both of which are biased by springs 21a. As detailed in column 9, lines 51-56, Pradel, et al. states "The pair of cup springs 21a, the pressure tube 7a, the bottom valve unit 13a and the centering plate 69a form an axially compressible series arrangement 21a, 7a, 13a, 69a which is under axial compressional

stress between shoulder face 67a and the central supporting face 68a.” Thus, while Pradel, et al. discloses an assembly of pressure tube 7a, bottom valve unit 13a and centering plate 69a being able to move axially, there is no disclosure in Pradel, et al. which illustrates or even suggests the sliding movement of the pressure tube with respect to the cylinder end assembly as is defined in amended Claim 1. Also, because pressure tube 7a is centered with respect to tube 3a by bottom valve unit 3a and centering plate 69a (column 9, lines 56-59) there is no suggestion to add this movement to Pradel, et al. because Pradel, et al. requires the compressible series to provide the centering feature.

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 3, 4, 11 and 14, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Claims 2 and 10 have been cancelled. Reconsideration of the rejection is respectfully requested.

Claims 1-4, 10 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Forster (U.S. Pat. No. 5,738,191). Applicant respectfully traverses this rejection. The limitations of Claim 10 have been added to Claim 1. Thus, amended Claim 1 now defines a biasing member disposed between the pressure tube and the rod guide assembly for urging said pressure tube axially away from the rod guide assembly.

Forster defines a free-floating tube 33 but there is no biasing member in Forster disposed between the rod guide assembly and the pressure tube as is clearly shown in Figures 3A, 4A, 5 and 7. The biasing member in Forster (spring 39 or fluid pressure within hydraulic connection 13 is disposed between pressure tube 33 and bottom valve body 21.)

Thus, Applicant believes Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 3, 4 and 14, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Claims 2 and 10 have been cancelled. Reconsideration of the rejection is respectfully requested.

REJOINDER

Applicant respectfully requests the rejoinder of withdrawn Claims 5-9, 12, 13 and 15-27.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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